

Remarks

Claims 1-24, 26-51, and 53-55 are currently pending and have been rejected. Claims 1, 7 and 8 have been amended. Applicants assert that all claims are in condition for allowance as set forth more fully below.

112 Rejections

Claim 7 was rejected under 35 USC §112, second paragraph, as being indefinite for failing to provide proper antecedent basis for “data of failed calls”. Claim 7 has been amended to provide proper antecedent basis and now recites “...one or more data related to failed calls to users”. Since claim 7 now recites proper antecedent basis the rejection can now be withdrawn.

101 Rejections

Claim 1 was rejected under 35 USC §101 as not being tangible and is merely directed to an abstract idea not tied to a tangible art, environment or machine and is therefore not statutory subject matter. Claim 1 has been amended to recite “electronically receiving” and “processing on a computer processor”. Claim 1 now recites tangible steps requiring the use of electronic transmission and a computer processor. Since Claim 1 now recites statutory subject matter the rejection can now be withdrawn.

102 Rejections

Claims 1-6, 9-17, 30-36, 38-44, 51 and 53-55 stand rejected under 35 USC §102(b) as being anticipated by Lawlor (US Pat 5,870,724). Applicants respectfully traverse these rejections.

According to exemplary embodiments, online session data that pertains to whether a party to be called has ended an online session is processed so that the party may be called once the online session has ended. As a representative example, amended claim 1 recites in part, a method for contacting a user...electronically receiving online session data that specifies users who have ended recent online sessions, processing on a computer processor the online session data to identify users to call who have recently

ended their online sessions, and calling the users who have recently ended their online sessions Independent claims 1, 10, 30, 40, and 51 recite similar features.

Lawlor fails to disclose these elements. Lawlor is not concerned with detecting whether a user has ended an online session so that a call can be placed to the user after the online session has ended. To the contrary, Lawlor is interested in transmitting limited user information to a third party while the user is still on line. (Col. 31, l. 53-56). Any online session data disclosed by Lawlor is merely user contact information, rather than data specifying that an online session of a user to be called has ended. (Col. 31, l. 49-53). Therefore, these claims including claims 1, 10, 30, 40 and 51 include recitations not disclosed by Lawlor such that they are allowable over Lawlor for at least these reasons.

Dependent claims 2-6, 9, 11-17, 31-36, 38-39, 41-44 and 53-55 depend from allowable base claims 1, 10, 30, 40 and 51 and are also allowable for at least the same reasons.

103 Rejections

Claims 7-8, 18-24, 26-29, 37 and 45-50 stand rejected under 35 USC §103(a) as being unpatentable over Lawlor in view of Strauss (US Pat. 6,272,126). Claim 50 stands rejected under 35 USC 103(a) as being unpatentable over Lawlor in view of Strauss (US Pat. 6,272,126) and further in view of Chack (US Pat. 6,438,599) and further still in view of Examiner's Official Notice. Applicants respectfully traverse these rejections.

The Office Action states that Lawlor teaches placing calls to users. The office Action concedes, however, that Lawlor does not teach or suggest storing call details for calls not successfully completed, comparing the call details to online session data and repeating phone calls to users that were previously unsuccessfully called based on the step of comparing. The Office Action then asserts that Strauss teaches the storing, comparing and repeating steps just mentioned.

However, claims 7, 18, 37 and 45 each include similar recitations not taught by Lawlor or Strauss either individually or in combination. Specifically independent claim 18 recites,

“A method for contacting users, comprising...comparing the call details to online session data that specifies users who recently ended an online session...”.

Independent claim 45 similarly recites,

“A system for contacting users, comprising...comparing the call details to online session data that specifies users who recently ended an online session...”.

Dependent claim 7 similarly recites,

“A method for contacting a user... wherein the step of processing comprises comparing the session data to one or more data related to failed calls to users.”

Dependent claim 37 similarly recites,

“A system for contacting users, comprising...wherein the means for processing comprises a computer adapted to compare the online session data to data of failed calls.”.

Strauss fails to teach or suggest such recitations. Strauss is not concerned with comparing or processing online session data to determine whether a user has ended an online session so that a call can be placed to the user after the online session has ended. Nor is Strauss concerned with comparing online session data to data of failed calls. To the contrary, Strauss is interested in establishing a voice over IP call between two users that are online. Any online session data disclosed by Strauss is data used to establish the voice over IP call, rather than data specifying that an online session of a user to be called has ended such that a call may now be placed to the user.

Further more, as discussed in regards to the §102 rejections, Lawlor does not teach placing calls to users based on online session data that specifies users who recently ended an online session. Lawlor is interested in transmitting limited user information to a third party while the user is still on line. (Col. 31, l. 53-56). As such, neither Struss nor Lawlor, teach or suggest the recited claims, singly or in combination. Therefore, for at least the above reasons, claims 7, 18, 37 and 45 are allowable over the cited references, single or in combination.

Dependent claims 8, 19-24, 26-29 and 46-50 depend from allowable base claims 18 and 45 and are also allowable for at least the same reasons.

Conclusion

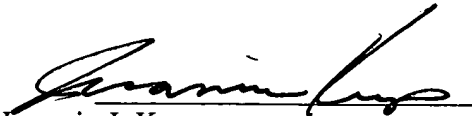
Applicants assert that the application including claims 1-24, 26-51, and 53-55 is now in condition for allowance. Applicants request reconsideration in view of the

amendments and remarks above and further request that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

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